

EV270263494US

OCT 23 2003

VPI/SW/002 CIP2 FWC DIV2 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Cybille Delacroix Muirheid
Group : 1614
Applicants : Paul R. Sleath et al.
Application No. : 09/670,106 Confirmation No.: 5809
Filed : September 26, 2000
For : INTERLEUKIN 1 β PROTEASE AND INTERLEUKIN 1 β
PROTEASE INHIBITORS

RECEIVED

OCT 31 2003

TECH CENTER 1600/2900

New York, New York
October 23, 2003

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing are: [X] Amendment and Response to Office Action; [X] Copies of References Cited in July 26, 2002 Information Disclosure Statement; [X] Petition Under 37 C.F.R. § 1.36(a) for Extension of Time; [X] Supplemental Information Disclosure Statement; [X] PTO-1449 and references cited therein; [X] check in the amount of \$180.00; [X] check in the amount of \$950.00; and [X] Postcard; for the above-identified patent application.

This Supplemental Information Disclosure Statement is submitted more than three months from the application filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311. In accordance with 37 C.F.R. § 1.97(c)(2), this Statement is accompanied by a check in the amount of \$180.00 in payment of the fee as set forth in 37 C.F.R. § 1.17(p).

The Director is hereby authorized to charge payment of any additional fees required in connection with the accompanying Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 06-1075. A duplicate copy of this letter is transmitted herewith.

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FEE FOR ADDITIONAL CLAIMS

- ☒ A fee for additional claims is not required.
☐ A fee for additional claims is required.

EXTENSION FEE

- ☒ The following extension is applicable to the Response filed herewith; ☐ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$420.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☒ \$950.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1480.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136 (a); ☐ \$2010.00 extension fee for response within fifth month pursuant to 37 C.F.R. 1.136(a).
- ☒ A check in the amount of ☐ \$110.00; ☐ \$420.00; ☒ \$950.00; ☐ \$1480.00; ☐ \$2010.00; in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge the ☐ \$110.00; ☐ \$420.00; ☐ \$950.00; ☐ \$1480.00; ☐ \$2010.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)

Attorney for Applicants

Min Wang (Reg. No. 51,303)

Kimberley A. Gavin (Reg. No. 51,723)

Agents for Applicants

c/o FISH & NEAVE

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020

Tel.: (212) 596-9000

Fax.: (212) 596-9090

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TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation

organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX PHARMACEUTICALS INC."), represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

United States patent application No. 09/670,106 (hereinafter "the '106 application"), for "INTERLEUKIN-1 β PROTEASE AND INTERLEUKIN-1 β PROTEASE INHIBITORS," filed on September 26, 2000; which is a continuation of U.S. application No. 09/039,657, filed March 16, 1998, now U.S. Patent 6,136,787 (hereinafter "the '787 patent"), which is a division of U.S. application No. 08/440,179 (hereinafter "the '179 application"), filed May 12, 1995, now U.S. Patent 5,756,465 (hereinafter "the '465 patent"); which is a

division of U.S. application No. 08/203,716, filed February 28, 1994, now U.S. patent 5,416,013; which is a continuation of U.S. application No. 07/750,644, filed August 30, 1991 now abandoned; which is a continuation-in-part of U.S. application No. 07/505,298, filed April 4, 1990, and U.S. application No. 07/656,759, filed February 13, 1991, now both abandoned.

An assignment of the entire right, title and interest in and to the subject matter of the '106 application and the '787 patent was recorded in the United States Patent and Trademark Office in the '179 application on January 26, 1998 at Reel/Frame 8934/0212 and in the '465 patent on March 16, 1998 at Reel/Frame 9067/0001.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '106 application which would extend beyond the expiration date of the '787 patent.

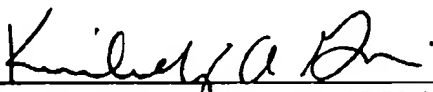
The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '106 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '465 patent, this agreement to run with any patent granted on the '106 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '106 application prior to the full statutory term of the '787 patent, in the event that the '787 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the '106 application and is authorized to act on behalf of assignee corporation in connection with said application; and
2. The above-identified assignment documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '106 application and the '787 patent is in assignee.

VERTEX PHARMACEUTICALS INCORPORATED



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
Min Wang (Reg. No. 51,303)
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Agents for Applicants
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